

No. 24-6697

**IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH
CIRCUIT**

COURTHOUSE NEWS SERVICE,

Plaintiff-Appellee,

v.

SARA OMUNDSON,

Defendant-Appellant.

On Appeal from the United States District Court for the District of Idaho
No. 1:21-CV-00305-DCN
Hon. David C. Nye Presiding

ADDENDUM

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I.R.E.F.S. 3. Official Court Record

Idaho Rules for Electronic Filing and Service

Rule 3: Official Court Record

(a) The official court record for a case filed or maintained in accordance with these rules is the electronic case file maintained by the court, as well as any paper filings and other conventional filings maintained by the court in accordance with these rules.

(b) If a court digitizes, records, scans or otherwise reproduces a document that is filed in paper into an electronic record, document or image for entry in the court's case file, the court's electronic record, document or image is the official court record of the filed document.

(Adopted April 15, 2019, effective July 1, 2019)

Source URL: <https://isc.idaho.gov/IREFS3>

I.R.E.F.S. 5. Exceptions to Electronic Filing of Documents

Rule 5: Exceptions to Electronic Filing of Documents

The documents identified in this rule are exceptions to the requirement for electronic filing.

(a) Probate / Wills. Probate matters must be filed electronically; however, any original will, along with any pleading to which it is attached, must be filed both electronically and conventionally. The conventional filing must be made no more than seven business days, excluding legal holidays, from the date of electronic filing.

(b) Warrants. A document delivered to the court to secure an arrest warrant pursuant to Idaho Criminal Rule 4 or an initial juvenile detention order pursuant to Idaho Juvenile Rule 7 must be filed conventionally. A document delivered to the court to secure a search warrant pursuant to Idaho Criminal Rules 41 may be filed conventionally.

(c) Limits on Exhibits. A demonstrative or oversized exhibit must be filed conventionally. Trial exhibits must not be filed unless or until they are offered by a party to be admitted into evidence.

(d) Grand Jury Material. Grand jury materials, which should also be accompanied by a disk or CD-ROM containing the documents in .pdf format, if possible, must be filed conventionally.

(e) Charging Documents. Charging documents in a criminal action including complaints and indictments must be filed conventionally unless filed through an electronic system approved by the Supreme Court.

(f) Federally Restricted Storage. A document or image that is barred from electronic storage must be filed conventionally, including but not limited to sexually explicit images of a minor.

(g) Document Submitted for *In Camera* Inspection. A document submitted for *in camera* inspection must be filed conventionally.

(h) Motion to Redact or Seal a Document. A motion to redact or seal a document by court order pursuant to Idaho Court Administrative Rule 32(i) and the document that is the subject of the motion may be filed conventionally. If filed electronically, the motion must comply with Rule 7.

(i) Foreign Subpoena. A foreign subpoena submitted to an Idaho court must be filed conventionally.

(j) Law Enforcement Documents. Law enforcement, including state police, sheriff's offices, police departments, and probation and parole officers, may file the following documents conventionally:

- documents for which no case number exists at the time of filing;
- documents related to a court event scheduled for the same day as the filing;
- bonds and accompanying documents received at the jail, and
- documents pertaining to an arrest for one or more offenses where at least one of the offenses is a new filing with no existing case number.

(k) Hospitalization of Mentally Ill, Detention Without a Hearing. A document delivered pursuant to Idaho Court Administrative Rule 100 after office hours, during the weekend, or on a holiday, will be filed in accordance with the procedure set out in Idaho Court Administrative Rule 100.

(l) Persons with Neurocognitive Disorders, Protective Custody Without a Hearing. A document delivered pursuant to Idaho Court Administrative Rule 101 after office hours, during the weekend, or on a holiday, will be filed in accordance with the procedure set out in Idaho Court Administrative Rule 101.

(m) Order of Removal Upon Issuance of a Summons (C.P.A.). A document delivered pursuant to Idaho Juvenile Rule 34 after office hours, during the weekend, or on a holiday, will be filed in accordance with the procedure set out in Idaho Juvenile Rule 34.

(n) Other Documents that cannot be Filed Electronically. Any document or thing that cannot be scanned or otherwise converted to a Portable Document Format (.pdf) must be filed conventionally. Upon a showing of good cause, the court may accept for conventional filing a document that would otherwise be required to be filed through the electronic filing system.

(Adopted April 15, 2019, effective July 1, 2019; amended April 30, 2024, effective April 30, 2024; amended September 30, 2024, effective October 1, 2024; amended December 18, 2024, effective January 1, 2025; amended effective January 24, 2025.)

Source URL: <https://isc.idaho.gov/irefs5>

I.R.E.F.S. 11. Manner of Filing

Idaho Rules for Electronic Filing and Service

Rule 11: Manner of Filing

- (a) Electronic filing. A document will be considered filed when:
 - (1) the document has been electronically submitted to the court's electronic filing system; and
 - (2) the submission has been acknowledged and the document accepted for filing.
- (b) Converting conventional filing to electronic format. The court may digitize, record, scan, or otherwise reproduce a document that is filed conventionally into an electronic record, document, or image.

(Adopted April 15, 2019, effective July 1, 2019)

Source URL: <https://isc.idaho.gov/IREFS11>

I.R.E.F.S. 13. Request for Correction; Rejected Filing: Relief

Idaho Rules for Electronic Filing and Service

Rule 13: Request for Correction; Rejected Filing: Relief

(a) Rejected Documents. Documents that do not comply with this rule, or the requirements of the aforementioned Electronic Filing Guide or court policy, may be returned to the filer for correction. If the document is not corrected as requested within the time frame provided for in subsections (b) and (c) of this rule, the document will be deemed to have not been filed.

(b) Request for correction. If a document submitted electronically for filing is not accepted, the electronic filing system will send notification to the filer that explains why the document was rejected or will describe an error or irregularity and request correction and resubmission by the filer.

(c) Resubmission of rejected filing; relief. A filer who resubmits a document within 3 business days (excluding legal holidays) of the date of the request for correction under this section may request, as part of the resubmission, that the date of filing of the resubmitted document relate back to the date of submission of the original document to meet filing requirements. If the third day following request for correction is not a judicial day, then the filer may resubmit the filing with a request under this subsection on the next judicial day. A filer who resubmits a document under this subsection must copy the existing envelope and include in the "Comments to Court" field notification for an electronic resubmission the following words: "Resubmission of corrected filing, request filing relate back to _____, the date of original submission."

(Adopted April 15, 2019, effective July 1, 2019)

Source URL: <https://isc.idaho.gov/IREFS13>

I.C.A.R. 32. Records of The Judicial Department - Examination and Copying - Exemption from and Limitations on Disclosure.

Idaho Court Administrative Rule 32. Records of The Judicial Department - Examination and Copying

Exemption from and Limitations on Disclosure.

(b) Definitions: As used in this Rule:

(4) "Court record" includes:

(A) Any document, information or other thing that is filed, docketed, or lodged by a court or clerk of court in connection with a judicial proceeding;

Source URL: <https://isc.idaho.gov/icar32>

Note: I.C.A.R. 32 is lengthy and therefore only the excerpt cited in the brief is quoted in this Addendum. The full version of the Rule is available at the source listed above.

(Effective July 1, 2021)

APPENDIX “A”

FILING FEE SCHEDULE - DISTRICT COURT AND
MAGISTRATE DIVISION

COMMENCING A CIVIL ACTION

A civil action is commenced by filing a complaint, petition, application, or other document that begins a new civil lawsuit. A civil action is commenced if the clerk opens a new case file rather than filing the document in an existing case file. Whether a filing fee is charged does not depend upon the title or name of the document filed, but upon whether it commences a new case.

In a civil lawsuit, a party usually seeks to obtain an order or judgment from the court against another party. However, there are some times when a clerk will have to file a document, such as registering a trust, when it will not commence a lawsuit. In such instances, no filing fee will be charged.

Only one filing fee is charged even if the complaint, petition, or application includes two or more separate claims for relief. If the claims would have differing filing fees if they were filed as separate actions, then the appropriate fee is whichever is higher; for example, if one action was filed to have a marriage annulled or, if that were denied, to obtain a divorce, the appropriate filing fee would be the fee for filing a divorce action because it is higher than the filing fee for an annulment. Likewise, if one action was filed to compromise a minor’s claim and to appoint a conservator, the appropriate filing fee would be for the appointment of a conservator.

The fee for opening any civil case in the District Court not found on this schedule is \$221.00 and the correct filing fee code is AA. The fee for opening any civil case in the Magistrate Division not found on this schedule is \$166.00 and the correct filing fee code is A.

APPEARING IN A CIVIL ACTION (Category I)

An appearance is the first document filed by a party (other than the plaintiff or petitioner) in an existing civil action, regardless of whether it is filed *pro se* or through counsel and regardless of the title of the document (e.g., “notice of appearance,” “answer,” “motion,” or other title).

If a party acting *pro se* has already filed an appearance in an action and then an attorney later files a “notice of appearance” to appear on behalf of that party, the attorney’s “notice of appearance” does not constitute an appearance for the purpose of assessing a filing fee because the party has already appeared in the action *pro se*.

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	Court Tech. Fund	Senior Mag. Judges Fund	Total
A. A. All initial civil case filings in District Court of any type not listed in categories E, F and H(1).	10.00	26.00	10.00	17.00		17.00	135.00	6.00	221.00
A. All initial case filings in Magistrate Division of any type not listed in categories B, C, D, G and H(2): 1. Adoptions 2. Adoption and Termination of parental rights 3. Termination of parental rights 4. Personal injury or other claims (\$10,000 or less) 5. Petition for formal probate 6. Application for informal probate 7. Name change 8. Relief from interlock device 9. Child Support / Custody (unless filed by DHW) 10. Habeas by prisoners 11. Paternity action 12. Unlawful detainer / Eviction 13. Defacto custodian 14. Relief from firearm disability 15. Legal separation a. with minor children b. without minor children 16. Surrogacy/Gestational Carrier	10.00	26.00	10.00	7.00		17.00	80.00	6.00	166.00
B. 1. Divorce State portion includes additional \$20 displaced homemaker fund and additional \$20 domestic violence fund district court fund includes \$5.00 taken from the State General Fund fee, which shall be separately identified and deposited in the District Court Fund, for establishing a uniform system of qualifying counselors in domestic violence cases. I.C. § 31-3201A(c) a. With minor children b. Without minor children	10.00	26.00	10.00	52.00		23.00	80.00	6.00	207.00
2. Petition or stipulation to reopen or modify divorce a. With minor children b. Without minor children	10.00	26.00	10.00	15.00		17.00	70.00	6.00	154.00
3. Amended complaint to convert an action that was not one for divorce (e.g. separate maintenance) into an action for divorce (\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213) a. With minor children b. Without minor children				41.00					41.00
C. Small claims		26.00	10.00			7.00	20.00	6.00	69.00

D. Summary administration of small estates			10.00	17.00		17.00	80.00	6.00	130.00
E. Petition for release from common law lien						35.00			35.00
F. Petition for entry of judgment on worker's comp award	10.00	26.00	10.00			9.00	20.00	6.00	81.00
G. 1. Guardianships a. Initial Petition motion or appearance by any person on behalf of a minor. b. Initial Petition motion or appearance by any person on behalf of an incapacitated person.	10.00	26.00	10.00	17.00	50.00	17.00	80.00	6.00	216.00
2. Conservatorship a. Initial Petition motion or appearance by any person on behalf of a minor. b. Initial Petition motion or appearance by any person on behalf of an incapacitated person.	10.00	26.00	10.00	17.00	50.00	17.00	80.00	6.00	216.00
3. Joint petition for guardianship/conservatorship or joint petition for receipt and acceptance of foreign guardianship a. where same party is guardian and conservator of a minor person b. where same party is guardian and conservator of incapacitated person c. where different parties are petitioners for guardian and conservator of a minor d. where different parties are petitioners for guardian and conservator of incapacitated person. (considered two filings)	10.00	26.00	10.00	17.00	50.00	17.00	80.00	6.00	216.00
4. Status reports guardianship	20.00	52.00	20.00	17.00	50.00	17.00	80.00	6.00	262.00
5. Intermediate or final account of conservator					25.00				25.00
6. Petition for distribution of estate in conservatorship					41.00	9.00			50.00
7. Inventories by conservator				13.00	41.00	6.00		6.00	66.00
					41.00				41.00

<p>H. Case filings with no fee</p> <p>1. In District Court</p> <ul style="list-style-type: none"> a. Petition for sterilization b. Judicial consent for abortion petitions c. Post-conviction act proceedings* d. Stipulation for entry of judgment* e. Court initiated contempt* <p>2. In Magistrate Division</p> <ul style="list-style-type: none"> a. Cases brought under Ch. 3, Title 66, I.C. for commitment of mentally ill persons b. Demand for bond before personal representative is appointed. c. Petition to compromise minor's claim d. Petition for civil protection order <ul style="list-style-type: none"> (i) Petition for civil protection order or to enforce foreign CPO pursuant to I.C. 39-6304 or 39-6306A (domestic violence) (ii) Petition for civil protection order pursuant to I.C. 18-7907 (malicious harassment, stalking, and telephone harassment) e. Post-conviction act proceedings* f. Stipulation for entry of judgment after initial case filing or reopening fee paid* g. BAC license suspension h. Child support proceedings filed by DHW i. Fugitive warrants j. Court initiated contempt* k. Child protective cases l. Proceeding to suspend a license for non-payment of child support m. Petition for review of out of home placement n. Cases brought under Ch. 4, Title 66, I.C., for commitment of developmentally disabled persons <p>3. Registration of trusts and renunciations</p> <p>4. Filing of a custody decree from another state</p> <p>*Whether filing is in district court or magistrate division depends upon individual case.</p>									No fee
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I. The fees set out in Category I apply to the first document filed by a party <u>other than the plaintiff or petitioner no matter what the document is entitled</u>									
1. Initial Appearance by persons other than the plaintiff or petitioner	10.00	26.00		10.00		4.00	80.00	6.00	136.00
a. Motion for Permissive Intervention – Defacto custodian	10.00	26.00		10.00		4.00	80.00	6.00	136.00
2. Small Claims									No fee
3. Stipulation for entry of judgment									No fee
4. Any objection or motion filed in a guardianship or conservatorship by the minor or alleged incapacitated person									No fee
5. Appearing after judgment when the party has not previously appeared	10.00	26.00		10.00		9.00	80.00	6.00	141.00
J. Additional filings in probate and trusts: the following fees shall be collected from any person filing the following documents, whether or not the person has appeared previously:									
1. Probate									
a. petition for distribution of estate				13.00		6.00		6.00	25.00
b. demand for notice						9.00			9.00
c. demand for bond after appointment of personal representative						9.00			9.00
d. intermediate or final accounting of personal rep						9.00			9.00
e.petition for approval of compromise				10.00		4.00			14.00
f. filing of copy of appointment of foreign personal representative				10.00		17.00			27.00
2. Trusts and Renunciations									
a. intermediate or final accounting of trustee						9.00			9.00
b. petition for final distribution of estate				13.00		6.00		6.00	25.00
K. Special Filings									
1. Order granting change of venue (pay to new county).						9.00	20.00		29.00
2. Petition, motion or stipulation to reopen a case after no activity for one year	10.00	26.00		10.00		9.00	70.00	6.00	131.00
3. Third party complaint – This fee is <i>in addition</i> to any fee filed as a plaintiff initiating the case or as a defendant appearing in the case						8.00		6.00	14.00

4. Cross claim (defendant v. defendant or plaintiff v. plaintiff) This fee is in addition to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case								
					8.00		6.00	14.00
a. For divorce when the complaint did not allege a claim for divorce. The \$41 fee is in addition to the fee for a general cross-claim. (\$1 for court clerk fee, I.C. § 39-266 & \$20 for displaced homemaker account, I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)								
1. With minor children								
2. Without minor children			41.00		8.00		6.00	55.00
5. Counterclaim for divorce when the complaint did not allege a claim for divorce *(\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)								
a. With minor children			41.00					41.00
b. Without minor children								
6. Renewing a judgment					9.00	20.00		29.00
7. Filing a foreign judgment					7.00	20.00		27.00
L. Appeals								
1. Small claims Dept to magistrate	10.00	26.00	10.00		9.00	20.00	6.00	81.00
2. Magistrate Division to District court	10.00	26.00	10.00		9.00	20.00	6.00	81.00
3. Appeal or petition for judicial review or cross appeal or cross-petition from commission, board, or body to district court	10.00	26.00	10.00	17.00	17.00	135.00	6.00	221.00
a. Petition for judicial review of IDWR adjudication of water rights	10.00	26.00	10.00	17.00	17.00	135.00	6.00	221.00
4. Civil appeal or cross-appeal to Supreme Court (with exception of a. and b. below). The clerk of the district court shall collect the entire fee and remit the \$94.00 fee to the Supreme Court with a certified copy of the notice of appeal. Rule 23(b), I.A.R.)	94.00							
a. Post-Conviction	Sup. Ct.				9.00	20.00	6.00	129.00
b. Habeas Corpus								No fee No

Source: <https://isc.idaho.gov/rules/Appendix-A-Civil-Case-Filing-Fees-071224.pdf>